

Notice of Allowability

Application No.

10/549,325

Examiner

Derek S. Chapel

Applicant(s)

IMAKI ET AL.

Art Unit

2872

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 5/17/2007.
2. ☒ The allowed claim(s) is/are 1, 4, 6, 9, 11-16 (renumbered 1-10).
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some* c) ☐ None of the:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

DETAILED ACTION

Status Of Claims

1. This Office Action is in response to an amendment received 5/17/2007 in which Applicant lists claims 2-3, 5, 7-8 and 10 as being cancelled, claims 11 and 12 as being previously presented, claims 1, 4, 6 and 9 as being currently amended, and claims 13-16 as being new. It is interpreted by the examiner that claims 1, 4, 6, 9 and 11-16 are pending.

Specification

2. The preliminary amendments to the specification dated 9/16/2005 are acknowledged. The objections to the specification cited in the office action mailed 2/8/2007 are hereby withdrawn.

Claim Objections

3. The amendments to the claims dated 5/17/2007 are accepted. The objections to the claims cited in the office action mailed 2/8/2007 are hereby withdrawn.

Allowable Subject Matter

4. Claims 1, 4, 6, 9 and 11-16 are allowed.
5. The following is an examiner's statement of reasons for allowance:

Claims 1 and 6 are allowable over the cited art of record for at least the reason that the cited art of record fails to teach or reasonably suggest a wavelength filter or a wavelength monitor having a wavelength filter wherein the predetermined angle is set so that absolute value of a sum of (i) a product of (a) difference between linear expansion coefficients of the birefringent material and the supporting member and (b) refractive index of the birefringent material, (ii) thermo-optical coefficient of the birefringent material, and (iii) change of refractive index due to a thermal strain between the supporting member and the birefringent material is minimized, as generally set forth in claims 1 and 6, the device including, in combination with the features recited in claims 1 and 6. Claims 4, 9 and 11-16 depend from claims 1 and 6 and are therefore allowable for at least the same reasons as claims 1 and 6.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Response to Arguments

6. Applicant's arguments, see pages 6-8, filed 5/17/2007, with respect to the rejections made in view of 35 USC 112 second paragraph have been fully considered and are persuasive. The rejections of the claims have been withdrawn.

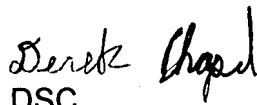
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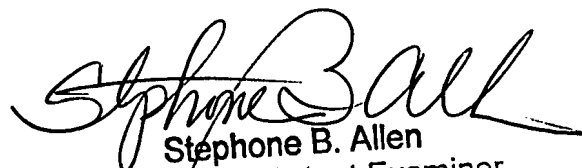
Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Derek S. Chapel whose telephone number is 571-272-8042. The examiner can normally be reached on M-F 8:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephone B. Allen can be reached on 571-272-2434. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


DSC
7/3/2007


Stephone B. Allen
Supervisory Patent Examiner